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13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16  
17 *IN RE: SUBPOENA TO X CORP., Successor*  
18 *in Interest to TWITTER, INC.*

19 Case No. 3:23-mc-80122

20 (Originating Case: Silva v. Doe 1, et al., S.D.  
21 Fla. 1:22-cv-24262-RKA)

22 **[PROPOSED] ORDER GRANTING  
23 PLAINTIFF RICCARDO SILVA'S  
24 MOTION TO COMPEL THIRD-PARTY  
25 TWITTER, INC. TO RESPOND TO  
26 SUBPOENA**

27  
28 The Motion of Plaintiff Riccardo Silva ("Plaintiff") for an order compelling third-party  
1 The Motion of Plaintiff Riccardo Silva ("Plaintiff") for an order compelling third-party  
2 X Corp., the successor in interest to Twitter, Inc. ("Twitter"), to produce the documents and  
3 information requested in Plaintiff's Subpoena, served on Twitter on April 3, 2023 ("Motion to  
4 Compel"), came on for hearing on this \_\_\_\_ day of \_\_\_\_\_, 2023, before  
5 \_\_\_\_\_. The matter having been submitted, based on the supporting and  
6 opposing papers, the record evidence, and all related documents filed with the Court in  
7 connection with this motion, as well as oral arguments at the hearing, and good cause appearing  
8 therefor, the Court hereby ORDERS as follows:

1 Plaintiff's Motion to Compel is GRANTED. On a motion to compel a service provider to  
2 produce information that could potentially reveal the identity of an anonymous speaker, the party  
3 seeking the information must first "persuade the court that there is a real evidentiary basis for  
4 believing that the defendant has engaged in wrongful conduct that has caused real harm to the  
5 interests of the plaintiff." *Music Grp. Macao Com. Offshore Ltd. v. Does*, 82 F. Supp. 3d 979, 983  
6 (N.D. Cal. 2015) (citing *Highfields Cap. Mgmt., L.P. v. Doe*, 385 F. Supp. 2d 969, 975-76 (N.D.  
7 Cal. 2005)). The Court is so persuaded.

8 The Court further finds that Plaintiff Silva has satisfied the applicable legal requirements  
9 under the First Amendment for the requested discovery by making a *prima facie* showing on the  
10 merits of his claim and further finds that the balance of the equities, weighing the potential harm  
11 to Mr. Silva against the speaker's interest in anonymity, favors disclosure here. See e.g., *In re*  
12 *DMCA § 512(h) Subpoena to Twitter, Inc.*, 608 F. Supp.3d 868, 876.

13 Finally, the service provider (*i.e.*, Twitter) has represented that it has transmitted notice of  
14 the subpoena and this motion to compel proceeding to the anonymous speaker based on the  
15 available information for the account.

16 Accordingly, the First Amendment safeguards have been met, and Twitter is ordered to  
17 comply with the Subpoena and provide the requested information and documents.

18  
19 **IT IS SO ORDERED.**

20 Dated: \_\_\_\_\_ \_\_\_\_\_  
21 UNITED STATES DISTRICT JUDGE  
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